

REMARKS

Claim 24 is under examination in the application. In the Office Action (hereinafter “the Action”), the Examiner rejected the claim under 35 U.S.C. §102(b) as assertedly anticipated over Small et al. (US Patent 4,101,460) (hereinafter “Small”), and Bostick et al. (US Patent 4,263,406) (hereinafter “Bostick”). Applicants request reconsideration in light of the following remarks.

I. Patentability

A. The rejection of claim 24 under 35 U.S.C. §102(b) as anticipated by Small should be withdrawn

The Examiner rejected claim 24 under 35 U.S.C. §102(b) as anticipated by the disclosure of Small. The examiner asserts that Small discloses a device that is capable of measuring and detecting glycosaminoglycans (GAGs), and therefore Small anticipates the present invention. Applicants respectfully disagree.

For a reference to anticipate, each and every element of the invention must be disclosed in the single reference. Small is directed to a composition comprising an ion exchange resin, and discloses that the composition of the invention could be used in anion exchange column to separate ions, and that the ions could then be detected via light scatter in a spectrophotometer. Small neither discloses nor suggests that the composition or device of the invention is useful to separate and measure GAGs and not ions as is shown by Small. Further, Small does not disclose that under the conditions described in Small, the device is capable of separating or measuring GAGs. Thus, Small does not disclose a GAG measuring device as presently claimed because the device disclosed in Small lacks a means for separating GAG and also lacks a means for detecting GAGs.

As such, the rejection of claim 24 as anticipated by Small should be withdrawn.

B. The rejection of claim 24 under 35 U.S.C. §102(b) as anticipated by Bostick should be withdrawn

The Examiner rejected claim 24 under 35 U.S.C. §102(b) as anticipated by the disclosure of Bostick. The examiner asserts that Bostick discloses a device that is capable of measuring and detecting GAGs, and therefore Bostick anticipates the present invention. Applicants respectfully disagree.

As stated above, for a reference to anticipate, each and every element of the invention must be disclosed in the single reference. Bostick discloses an ion exchange column, and teaches that the column can be used in a device useful for separating isoenzymes. Bostick further discloses that components in the columns' effluent can be measured by photometric means. Bostick neither discloses nor suggests that the composition or device of the invention is useful to separate and measure GAGs and not isoenzymes as is shown by Bostick. Further, Bostick does not disclose that under the conditions described in Bostick, the device is capable of separating or measuring GAGs. Thus, Bostick does not disclose a GAG measuring device as presently claimed because the device disclosed in Bostick lacks a means for separating GAG and also lacks a means for detecting GAGs.

As such, the rejection of claim 24 as anticipated by Bostick should be withdrawn.

II. Conclusion

Applicant submits that the application is in condition for allowance and respectfully request expedited notification of the same.

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Respectfully submitted,

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